



State of Connecticut

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State Representative Bill Wadsworth
Planning and Development Committee
Public Hearing Testimony
Monday, February 14, 2010

Good Morning Senator Cassano, Representative Gentile, Senator Coleman, Representative Grogins, Senator Fasano, Representative Aman and Planning and Development Committee Membership:

I would like to thank the Planning and Development Committee for raising House Bill 5254, *An Act Expanding the Recreational Land Use Act*.

As the State of Connecticut closes in on the goal to preserve twenty one percent of its land for open space it is important to reinforce that commitment with additional protection in other areas. I am proposing that municipalities, quasi-public agencies and certain special districts as owners of land be afforded the same immunity from liability currently provided to private owners of land under the Recreational Land Use Act. This additional protection will provide confidence to municipalities, quasi-public agencies and certain special districts to retain and acquire open space for preservation. If the threat of litigation is part of the decision making strategy, then the aforementioned entities may postpone or abandon the purchase of additional open space, close off access to parks, playgrounds and open space or begin to schedule use.

There is also a monetary component to this issue. Spending money on safety equipment and maintenance, obtaining additional liability insurance at additional cost and defending frivolous lawsuit at considerable cost are just a few of the financial exposures that are possible. Municipalities, quasi-public agencies and certain special districts that are self insured are exposed to an unknown liability.

The public has the right to utilize public land without restriction.

I thank the Committee for considering proposed House Bill 5254 and I ask that it be given a favorable report. One of the main purposes of open space is to provide access to the public for passive recreational use and this access would be seriously curtailed or eliminated if municipalities, quasi-public agencies and certain special districts are at risk for providing that use.